

House File 158 - Introduced

HOUSE FILE 158

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A BILL FOR

1 An Act providing for restricted driver motor vehicle
2 registration plates to identify persons driving under a
3 temporary restricted driver's license following a second or
4 subsequent revocation for operating while intoxicated, and
5 providing penalties.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.34A Restricted driver
2 registration plates.

3 1. Upon application to the county treasurer, the owner
4 of a motor vehicle subject to registration shall be issued
5 restricted driver registration plates at no charge in exchange
6 for the regular or special registration plates issued for the
7 vehicle under section 321.34. If the application is for a new
8 registration, the restricted driver registration plates shall
9 be issued in lieu of regular registration plates upon payment
10 of the regular annual registration fee for the vehicle.

11 2. Restricted driver registration plates, to be designed
12 by the department, shall be of a different color than regular
13 registration plates and bear a unique series of alphanumeric
14 characters so as to be readily identified by peace officers.
15 Application for or acceptance of restricted driver registration
16 plates constitutes implied consent for a peace officer to stop
17 the vehicle bearing the restricted driver registration plates
18 at any time. A peace officer who observes the operation of a
19 motor vehicle displaying restricted driver registration plates
20 may stop the vehicle for the purpose of determining whether the
21 driver is operating the vehicle lawfully under a valid driver's
22 license.

23 3. Restricted driver registration plates expire on the
24 same date as the registration plates they replace and shall be
25 validated by the county treasurer in the same manner as regular
26 registration plates are validated upon payment of the annual
27 registration fee for the vehicle.

28 4. Except as provided in section 321J.20, subsection 7A,
29 upon application by the owner of a motor vehicle, the county
30 treasurer shall issue regular or special registration plates,
31 under the terms and conditions in section 321.34 and subject to
32 applicable fees, in exchange for restricted driver registration
33 plates.

34 5. It is a simple misdemeanor for a person to do any of the
35 following:

1 *a.* Knowingly disguise or obscure the color of restricted
2 driver registration plates.

3 *b.* Knowingly operate a motor vehicle displaying restricted
4 driver registration plates that have been disguised or
5 obscured.

6 Sec. 2. Section 321J.20, Code 2011, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 7A. *a.* Prior to issuing a temporary
9 restricted license under this section to a person whose
10 driver's license or nonresident operating privilege has been
11 revoked for a second or subsequent time under this chapter,
12 the department shall require the surrender of the registration
13 plates issued under section 321.34 for the following motor
14 vehicles, as identified by the department, which are not
15 already legally impounded:

16 (1) Any motor vehicle registered to the person whose license
17 is revoked, individually or jointly.

18 (2) Any motor vehicle for which the person whose license is
19 revoked is listed on the certificate of title as the owner or
20 co-owner.

21 (3) Any leased motor vehicle required to be registered
22 under section 321F.8, if the person whose license is revoked is
23 listed as the lessee or co-lessee.

24 *b.* The department shall issue restricted driver registration
25 plates as provided in section 321.34A in exchange for the
26 surrendered plates for each motor vehicle listed under
27 paragraph "*a*".

28 *c.* A registered owner of a motor vehicle issued restricted
29 driver registration plates under this subsection shall not
30 sell the motor vehicle during the time it is registered with
31 restricted driver registration plates unless the registered
32 owner applies to the department for consent to transfer title
33 to the motor vehicle. If the department is satisfied that the
34 proposed sale is in good faith and for valid consideration,
35 that the registered owner will be deprived of custody and

1 control of the motor vehicle, and that the sale is not for the
2 purpose of circumventing the provisions of this subsection, the
3 department may certify its consent to the county treasurer.
4 The county treasurer shall then transfer the title to the
5 new owner upon proper application and issue new registration
6 plates. If the title to the motor vehicle is transferred
7 by the cancellation of a conditional sales contract, a sale
8 upon execution, or by decree or order of a court of competent
9 jurisdiction after the registration plates have been ordered
10 surrendered under this subsection, the department shall order
11 the title surrendered to the new registered owner. The county
12 treasurer shall then transfer the title to the new owner and
13 issue new registration plates pursuant to section 321.34. If
14 a person holding a temporary restricted license issued under
15 this section following a second or subsequent revocation under
16 this chapter applies for a new motor vehicle registration of
17 a type listed under paragraph "a", the county treasurer shall
18 issue restricted driver registration plates for the vehicle
19 upon payment of the annual registration fee for the vehicle.

20 *d.* When the period of revocation of the person's
21 noncommercial driver's license under this chapter expires, the
22 owner of a motor vehicle issued restricted driver registration
23 plates under this subsection may apply to the county treasurer
24 for regular or special registration plates for the vehicle,
25 under the terms and conditions in section 321.34 and subject
26 to applicable fees. When satisfied that the period of license
27 revocation under this chapter is expired, and upon payment of
28 any required fees, the county treasurer shall issue regular or
29 special registration plates for the vehicle in exchange for the
30 restricted driver registration plates.

31 *e.* A person holding a temporary restricted license issued
32 by the department under this section following a second or
33 subsequent revocation under this chapter shall not operate a
34 motor vehicle other than a motor vehicle displaying restricted
35 driver registration plates issued pursuant to section 321.34A

1 and this section.

2 EXPLANATION

3 This bill requires the department of transportation to
4 design and issue restricted driver motor vehicle registration
5 plates, which shall be of a different color than regular
6 registration plates and bear a unique set of alphanumeric
7 characters so as to be readily identifiable by peace officers.
8 Any motor vehicle owner may apply to the county treasurer for
9 restricted driver registration plates to be issued in exchange
10 for the regular or special registration plates currently
11 issued for the vehicle. The restricted driver registration
12 plates are to be substituted at no additional charge, but are
13 subject to the regular annual registration fee for the vehicle.
14 Application for or acceptance of restricted driver registration
15 plates constitutes implied consent for a peace officer to stop
16 the vehicle displaying the plates at any time, and a peace
17 officer may stop such a vehicle to determine whether the driver
18 is operating under a valid driver's license.

19 The bill prohibits a person whose driver's license or
20 nonresident operating privilege has been revoked for a second
21 or subsequent time for operating while intoxicated (OWI)
22 from operating a motor vehicle under a temporary restricted
23 driver's license unless the vehicle displays restricted
24 driver registration plates. The bill requires that before
25 such a person is issued a temporary restricted license, the
26 department shall require the surrender of the regular or
27 special registration plates for any motor vehicle registered to
28 the person, any motor vehicle for which the person is listed
29 as an owner or co-owner, and any motor vehicle for which the
30 person is listed as the lessee or co-lessee. Upon surrender
31 of the regular or special plates, the department shall issue
32 restricted driver registration plates for each such vehicle.
33 Any motor vehicle newly registered while the person is driving
34 under a temporary restricted license for OWI must also be
35 issued restricted driver registration plates in lieu of regular

1 registration plates. A vehicle required to have restricted
2 driver registration plates cannot be sold without the consent
3 of the department. In addition, the bill permits transfer of
4 ownership to a vehicle upon cancellation of a conditional sales
5 contract, a sale upon execution, or by decree or order of a
6 court.

7 The bill provides that an OWI offender with a temporary
8 restricted license who was required to have restricted driver
9 registration plates may exchange the plates for regular
10 or special registration plates when the period of license
11 revocation is expired. The owner of a motor vehicle who was
12 not required under OWI provisions to display restricted driver
13 registration plates but applied for the plates voluntarily
14 may exchange the plates at any time for regular or special
15 registration plates.

16 The bill prohibits a person from knowingly disguising or
17 obscuring the color of restricted driver registration plates
18 or from knowingly operating a vehicle whose restricted driver
19 registration plates have been obscured or disguised. A
20 violation is a simple misdemeanor, punishable by confinement
21 for no more than 30 days or a fine of at least \$65 but not more
22 than \$625 or by both.

23 A person holding a temporary restricted license that was
24 issued following a second or subsequent revocation for OWI
25 who operates a motor vehicle not displaying restricted driver
26 registration plates in violation of the bill's provisions
27 would be considered to be driving under a revoked driver's
28 license. Such an offense is a serious misdemeanor, punishable
29 by confinement for no more than one year and a fine of at least
30 \$315 but not more than \$1,875. The person is also assessed
31 an additional fine of \$1,000 and the period of revocation is
32 doubled.